

Application of Robert Getts
Serial No. 09/802,162 filed 3/8/2001
Response of 7/6/09 to Office Action of 1/5/09

Remarks

Receipt is acknowledged of the Office Action of January 5, 2009 in the above-captioned matter. A Request for Continued Examination is enclosed. Reconsideration of the application and all available extensions of the time provided for a response are requested. The Commissioner is hereby authorized to charge Deposit Account 50-1604 for all amounts required in connection with the present application and response.

Applicant thanks the Examiner for her comments in the Office Action. While counsel respectfully disagrees with the reading of the prior claims reciting simultaneous hybridization¹, the claims have been amended to further clarify them. It is believed that the amendment will facilitate an allowance.

Specifically, Claim 1 has been amended to recite that the hybridizations in question are conducted in a single step. Similarly, claim 18 has been amended to recite that the hybridization on the microarray is conducted in a single step.

It is respectfully submitted that this fully distinguishes over the art. It is believed that both counsel and the Examiner agree that Sampson requires multiple steps. *See*, Office Action of Jan. 5, 2009 at p. 19; *See also*, Applicant's Response of Sept. 11, 2008 at pgs 13-14. Likewise, it is submitted that no other art has been cited teaching the single step method recited in the claims.

¹ Counsel also respectfully disagrees with the remaining assertions made in the Office Action, including, but not limited to, the Office's position regarding the priority claim and so forth. However, it is submitted that the current amendments present allowable subject matter such that further discussion of any other issues raised in the Office Action may be unnecessary.

Application of Robert Getts
Serial No. 09/802,162 filed 3/8/2001
Response of 7/6/09 to Office Action of 1/5/09

In view of the time considerations involved in conducting these assays, the development of a method which utilizes a single step on the microarray, as opposed to multiple steps on it, significantly increases the efficiency and benefit of the present invention as opposed to other methods such as those of Sampson.

As recited in the claims, the present invention uses a first component of cDNA reagents provided with a common capture sequence which is used for hybridization of those various cDNAs to a complementary sequence provided as part of a capture reagent which is a dendrimer. As also recited in the claims, a single step of hybridization on the microarray is conducted. As a result, the present invention provides a method of high efficiency when a sample is provided for analysis, and that sample includes a plurality of different cDNAs.²

Accordingly, it is submitted that the pending claims to the recited single step method are fully allowable, and favorable action on the application is respectfully requested.

² For example, in one application of the invention, cDNAs can be used that are reverse transcribed from a large population of mRNAs. *See e.g.*, claim 2. In the embodiment recited in claim 2, the capture sequence is provided via reverse transcription; thus, a single common sequence can be easily provided which universally allows one type of capture reagent to hybridize to the many different cDNAs in the sample. This method of the invention is highly advantageous as it avoids the need to create capture reagents for each of the different cDNAs – and is particularly useful since there are often an extremely large number of cDNAs in a sample.

Application of Robert Getts
Serial No. 09/802,162 filed 3/8/2001
Response of 7/6/09 to Office Action of 1/5/09

Dated: July 6, 2009

Respectfully submitted,

/Morris E. Cohen/

Morris E. Cohen (Reg. No. 39,947)
Law Office of Morris E. Cohen, P.C.
1 Penn Plaza, Suite 2527
New York, New York 10119
212-244-4111 x226 (phone)
212-563-7108 (fax)